IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE D.APPA RAO

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WRIT PETITION No.16347 OF 2006

Between:

Subhaschandra K.Setty

..... PETITIONER

AND

The Deputy Transport Commissioner
And Secretary, Regional Transport Authority,
Chittoor and another.

....RESPONDENTS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
D.APPA RAO

WRIT PETITION No.16347 OF 2006

O R D E R
(Per Sri Justice J.Chelameswar)

The petitioner is a registered owner of the vehicle bearing No.MH 02/XA 1186. The petitioner asserts that the said vehicle is covered with basic contract carriage permit issued by the Secretary, Regional Transport Authority, Mumbai West, which is valid upto 09.05.2011. The petitioner further claims that he paid an amount of Rs.41,288/- towards tax to the State of Maharastra, which is valid upto April, 2007.

Nothing is specified as to the nature of the tax paid to the State of Maharastra and what would be the rights and obligations attached pursuant to the payment of said tax. The fact remains that when the vehicle was stopped and checked somewhere near Renugunta of Chittoor District by the

2nd respondent, he noticed the following irregularities, which are recorded in the check report dated 26.07.2006:

> **" Stopped and checked above vehicle while proceeding from Srisailam to Tirupathi. Found no proof of A.P. Tax, no proof of R.C. Hence seized the vehicle u/sec. 8 of APMV Taxation Act and u/sec.207 of the M.V.Act and kept the vehicle at Renigunta Police Station for safe custody. The vehicle is liable to pay AP Tax @ Rs.3500/- per seat per Quarter for 27 seats totaling to Rs.94,500/- for the Quarter ending 30-9-2006 and compounding the fee of Rs.2200/- total of Rs.96,700/- (Rupees ninety six thousand seven hundred only)"**

Consequentially, the vehicle was seized pending an enquiry and hence the present writ petition with a prayer as follows:

> **" … Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in seizing the petitioner's vehicle bearing registration No.MH 02/XA 1186 under Check Report No.208619, dated 26-7-2006 as illegal and arbitrary and consequently direct the respondents herein to release the vehicle bearing registration No.MH 02/XA 1186 seized under Check Report No.208619, dt.26-7-2006 in favour of the Petitioner and to pass …"**

Heard the learned Government Pleader.

In the circumstances, we are of the opinion that the writ petition can be disposed of at the admission stage itself by directing the respondents to release the above-mentioned vehicle on condition the petitioner pays the amount of tax to be determined in accordance with law by the 1st respondent, and such relief is granted without prejudice to the enquiry to be conducted and further action to be taken in accordance with law.

With the above direction, the writ petition is disposed of.

JUSTICE J.CHELAMESWAR

JUSTICE D.APPA RAO

4TH AUGUST, 2006

NOTE: Operative portion by wire.

(B/O)PGS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
D.APPA RAO

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WRIT PETITION No.16347 OF 2006
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4th AUGUST, 2006